

### **REMARKS**

Claims 1, 3 and 4 stand rejected by the Examiner under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. This rejection is respectfully traversed.

Claims 1, 3 and 4 stand rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Lee '742 in view of Usuki et al '826. This rejection is again respectfully traversed.

In this amendment, "performing a shift control operation for shifting into a first gear" has been changed to "selecting a first gear as a target", in order to distinguish the present invention more explicitly from Lee '742. Such an amendment is fully supported by the originally filed specification. In addition, the amended claim 1 should now overcome the Examiner's comments regarding unclearness (first and third paragraphs of Examiner's comments).

As previously argued in the Response to the Final Office Action, in the shift control method disclosed by Lee '742, a target shift gear (first gear) is selected based on an output shaft speed (equivalent to the vehicle speed) in step S140, regardless of a turbine speed. The determination of whether the output shaft speed is less than a specific value (within a specific range) is made in step S110, and if the determination is negative, the procedure ends. That is, Lee '742 does not disclose a selection of a target gear when the vehicle speed is more than a specific value. As previously argued, if the vehicle speed is not less than the specific value, a second gear is generally selected as the target gear in the shift control

method according to the prior art. However, in the present invention, the first gear is selected as the target gear even when the vehicle speed is more than the predetermined value. That is, in the invention of the amended claim 1, the first gear is selected as the target gear if the vehicle speed is more than the predetermined value, and if the turbine speed is not more than a predetermined speed.

Furthermore, in the shift control method of Lee '742, the turbine speed is not used for selecting the target gear. The turbine speed (more concretely, a change in the turbine speed) is used for determining whether a shift into the first gear is begging to occur, after selecting the first gear. Therefore, the amended claim 1 patentably distinguishes over Lee '742.

Accordingly, in view of the above amendments and remarks, reconsideration of the rejection and allowance of all of the claims of the present application are respectfully requested.

### **Conclusion**

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mr. Joseph A. Kolasch (Reg. No. 22,463) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

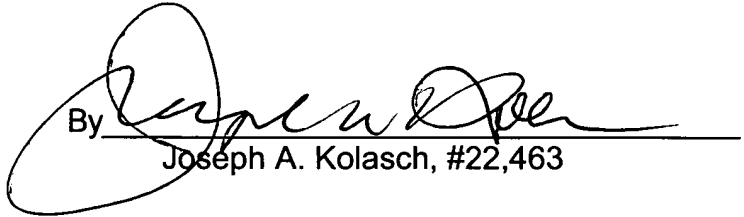
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any

additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

A handwritten signature in black ink, appearing to read "Joseph A. Kolasch", is written over a horizontal line. The signature is stylized with a large loop at the beginning and end.

Joseph A. Kolasch, #22,463

JAK/ALB:bb

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